

EXHIBIT

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*United States Attorney
Western District of New York*

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August 17, 2006

James P. Vacca, Esq.
One East Main Street
Rochester, New York 14614

Re: 404(b) Notice of Evidence of Other Crimes
to be Offered Against John Montana

Dear Mr. Vacca:

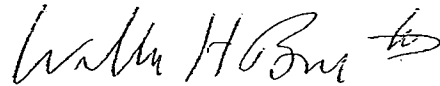
The government intends to introduce "other crimes evidence" against your client John Montana during his upcoming trial for participation in an investment fraud scheme under Rule 404(b) of the Federal Rules of Evidence in order to prove your client's motive, opportunity, intent preparation, plan, knowledge and absence of mistake. You were previously informed about the nature of the evidence during our telephone conference of July 7, 2006 and shortly thereafter, Special Agent Kassouf provided you with copies of correspondence related to this independent investment scheme. All materials related to Montana's new investment scheme have been available during discovery. The general nature of this "other crimes evidence" is summarized below.

During the investment scheme charged in the indictment several of the investors recruited by defendant Montana demanded and received the return of their investment funds. After the investors received the return of their funds in the Summer of 2000, defendant Montana immediately solicited the investors to participate in a new high yield investment scheme which Montana alleged he would control and which he represented would ultimately be successful. Two investors participated in the new investment scheme being promoted by defendant Montana. Investor Kurt Slep invested one million dollars which was eventually returned to him. Eva and Juergen Tobias invested one million dollars which was received by defendant Montana and which was

used for his personal benefit and the benefit of his co-conspirators. Mr. Montana continued to attempt to lull Mr. and Mrs. Tobias to continue their investment even post arraignment on this matter. The Tobaises lost their entire investment with Montana. The Tobias are anticipated government witnesses and will offer the evidence against Mr. Montana.

If you have any questions please contact me at 202-514-0660.

Sincerely,

A handwritten signature in dark ink, appearing to read "William H. Bowne, III", with a stylized flourish at the end.

William H. Bowne, III
Trial Attorney, Fraud Section

WHB/ams

pc: Richard Resnick, AUSA